



Landmarks & Urban  
Conservation Commission



**Agenda Number: 7**  
**Case No.: 09LUCC-50041**  
**Project # 1007716**  
**October 14, 2009**

### Staff Report

<b>Agent</b>	No	<p><b>Staff Recommendation</b></p> <p><b><i>DENIAL of Case # 09LUCC-50041, Project #1007716, a request for a Certificate of Appropriateness for alteration, based on the Findings 1-17 beginning on page 10.</i></b></p> <p style="text-align: right;"><b>Maryellen Hennessy</b> <b>Staff Planner</b></p>
<b>Applicant</b>	Sylvain Steinlauf	
<b>Request</b>	<i>Certificate of Appropriateness for alteration</i>	
<b>Legal Description</b>	Tract 164, MRGCD Map 38	
<b>Address/Location</b>	109 Romero NW	
<b>Size</b>		
<b>Zoning</b>	H-1	
<b>Historic Location</b>	Old Town Historic Overlay Zone	

### Summary of Analysis

The application is for a Certificate of Appropriateness for alteration at 109 Romero NW in the Old Town Historic Overlay Zone.

The project is presented "as built". In August of 2008, a window on the east elevation of the building was altered without a Certificate of Appropriateness. Zoning Enforcement Division issued a stop work order.

The building at 109 Romero is a New Mexico Vernacular style building, built as a dwelling, circa 1908. The building retains the characteristic architectural features of the style and period of construction. It is a Contributing property in the Old Albuquerque Historic District.

The proposed alterations are not consistent with the specific development guidelines for the Old Town Historic Overlay Zone and the historic architectural character of the subject property is diminished by the proposal to enlarge the window opening on the front façade of the historic building.

**PRIMARY REFERENCES:**

Landmarks and Urban Conservation Ordinance; Design Guidelines for the Old Town Historic Overlay Zone.

City Departments and other interested agencies were given the opportunity to review this application from 9/17/09 to 9/31/09. Agency comments that were received were used in the preparation of this report, and begin on page 13.

**Development Review Division Report:**

**SUMMARY OF REQUEST**

<b>Requests</b>	<i>Certificate of Appropriateness for alteration.</i>
<b>Historic Location</b>	<i>Old Town Historic Overlay Zone</i>

**AREA HISTORY AND CHARACTER**

**Surrounding architectural styles, historic character and recent (re)development**

	<b># of Stories</b>	<b>Roof Configuration, Architectural Style and Approximate Age of Construction</b>	<b>Historic Classification &amp; Land Use</b>
<b>General Area</b>	1-2	Flat; gabled and hipped pitch; Spanish-Pueblo Revival, New Mexico Vernacular, Queen Anne, Territorial Revival, Contemporary; 1840's to present	Residential, Commercial, Institutional
<b>Site to the North</b>	1	Pitched roof; New Mexico Vernacular; circa 1890's	Contributing; commercial
<b>Sites to the South</b>	1	Pitched roof, Pueblo and Territorial influences; circa 1950's.	Non-contributing; commercial
<b>Sites to the East</b>	2	Flat roof; Territorial Revival; Non-contributing; commercial	
<b>Site to the West</b>			

**Background**

The Old Albuquerque Historic District is a sub-set of the Old Town Historic overlay zone. The Overlay Zone encompasses an area roughly between Mountain Road and Central Ave. on the north and south, and Rio Grande Blvd. and 19<sup>th</sup> St. on the west and east. Inside of this overlay zone is the state registered "Old Albuquerque Historic District".

The historic district is the core of the Hispano village of Albuquerque, founded in 1706, and the main village in the area until the arrival of the railroad in 1880. The church and plaza are at the center of the district, as in most Hispanic villages of New Mexico. The subject site at 109 Romero is designated as a Contributing building to the historic district.

Of the buildings in the district, only San Felipe de Neri church can be shown to date to the Spanish Colonial period. A few buildings may be in whole or in part from the early nineteenth century, but the majority of the buildings in Old Albuquerque Historic District were built between 1870 and 1900. The most common type is the New Mexico Vernacular house, such as 109 Romero, with its pitched metal roof, tall windows and Queen Anne or Classic trim.

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Almost every building has seen some degree of remodeling, resulting from the area's growth as a tourist-oriented commercial center after 1940. Old Albuquerque became "Old Town", a district of shops, boutiques, galleries and restaurants. Many buildings acquired Pueblo Revival portals, protruding false vigas and other stylistic elements thought to be conducive to a tourist atmosphere.

The building at 109 Romero dates from 1908, and may incorporate some portions of older buildings on the site. 109 Romero was constructed as a dwelling. The subject building interlocks with the Jesus Romero Store (121 Romero), at the corner of Romero and South Plaza. A passage and small courtyard are formed by the space between the structures.

A hipped ridge metal roof extends over the sidewalk, rafters are exposed and a gabled wing extends to the west at the south end of the building. The portal is supported by chamfered wood posts with square bases and classical tops. Fenestration on the street façade includes four windows with classical molding.

The New Mexico State Register of Cultural Properties nomination, dated 1980, describes the windows at 109-113 Romero as 2/2 sash windows: two deeply set into the walls and two more nearly flush with the façade with deep interior sills. As shown in the photographs attached to this report, at some time between 1980 and today, the sashes were removed and fixed glass placed in the openings.

In August of 2008, an alteration was made to the building at 109 Romero. An existing window opening was enlarged. A Zoning Enforcement stop work notice was issued. Planning staff met with the property owner on more than one occasion to discuss resolution. Staff suggested that the window be restored to the original appearance. The owner was instructed to apply for a hearing with the LUCC if the window was not restored.

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**APPLICABLE PLANS, ORDINANCES, DESIGN GUIDELINES & POLICIES**

***Albuquerque-Bernalillo County Comprehensive Plan of 1988, amended 2003***

This site is a Historic Resource in terms used in the *Comprehensive Plan*. The plan sets out goals and policies concerning land use, environmental protection and heritage conservation.

Chapter II, Section 5, Historic Resources Goals and Policies (pp. II-61-II-62) states:

“The Goal for Historic Resources is to protect, reuse or enhance significant historic buildings and districts.”

Applicable Historic Resources policies include:

Policy a: Efforts to provide incentives for the protection of significant buildings and districts shall be continued and expanded.

Policy b: Research, evaluation, and protection of historical and cultural properties in the City and County shall be continued where appropriate.

Policy c: Increase public and inter-agency awareness of historic resources and preservation concerns.”

This site is contained in the Central Urban Development Area, a portion of the Established Urban Development Area as defined in the *Comprehensive Plan*, and is subject to the policies of Section II.B.5 (Established Urban Area) as well as the Central Urban Area policies. The Goal of the Central Urban Area is to “promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the City.”

The Goal of the Established Urban Area is to “create a quality urban environment which perpetuates the tradition of identifiable, individual, but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment.”

Applicable Established Urban Area policies include:

Policy d: “The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, and recreational concern.”

Section 11.C.9 Community Identity and Urban Design goal is “to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.” Policy b states “In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon (3) Local history, specifically architectural styles and traditions and current and historic significance to Albuquerque.”

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***H-1 Zone***

The Old Town Historic Zone was developed in 1957 with the adoption of the first Zoning Code for the City of Albuquerque. Old Town was recognized even then as a very special location within Albuquerque, and the H-1 Zone was developed specifically to address the development within Old Town. The H-1 Zone was later amended to include a 300 foot "buffer" zone surrounding Old Town to ensure a coherent visual character for the district. Signage, architectural style, and permissive uses are controlled through the H-1 Zone. The code provides for Certificates of Appropriateness for development with the H-1 and the Buffer zones. Relevant sections of the H-1 Zone (§14-16-2-25, R.O.A., 1994) are attached.

***Old Town Historic Zone Design Guidelines***

Design Guidelines (as amended through April 9, 1998) have been adopted by the Landmarks and Urban Conservation Commission for building projects in the H-1 Historic Old Town Zone. The Specific Design Guidelines for the Old Town Historic District also apply to the buffer zone within 300 feet of the historic district. The Guidelines are general, and along with standards applicable to the rehabilitation of historic properties, they address contemporary new buildings and pedestrian safety.

***Landmarks and Urban Conservation Ordinance***

This site consists of a contributing property in the Old Town Historic Overlay Zone and the project is subject to certain provisions of the Landmarks and Urban Conservation Ordinance (Article 12, R.O.A., 1994). The purpose of this ordinance is to:

“Preserve, protect, enhance, perpetuate and promote the use of structures and areas of historical, cultural, architectural, engineering, archeological or geographic significance located in the city; to strengthen the city’s economic base by stimulating the tourist industry; to enhance the identity of the city by protecting the city’s heritage and prohibiting the unnecessary destruction or defacement of its cultural assets; and to conserve existing urban developments as viable economic and social entities.”

Section 14-12-8 (A) of the LUC ordinance provides that:

"Within the boundaries of a historic zone, urban conservation overlay zone, or landmark site, the exterior appearance of any structure shall not be altered, new structures shall not be constructed, and existing structures shall not be demolished until a Certificate of Appropriateness has been duly approved."

**ANALYSIS**

**Old Town Guidelines**

The table below provides an evaluation of the submittal as it relates to pertinent aspects of the specific development guidelines as amended through 2002.

GUIDELINE	ANALYSIS	Is the guideline satisfied?
1. Every reasonable effort should be made to provide compatible use for buildings which will require minimum alteration to the building and its environment.	The subject site was constructed as a dwelling and is now used as a commercial shop, as are most of the buildings in Old Town. The use is generally compatible, however; some buildings have smaller window openings than others. The alteration is not required for the new use.	NO
2. Rehabilitation work should not destroy the distinguishing qualities or character of the property and its environment. The removal or alteration of any historic material or architectural features should be held to the minimum, consistent with the proposed use.	The vertically oriented window openings on this ca. 1908 house are characteristic of the New Mexico Vernacular style and the time period. Removal of the historic fabric to enlarge the window is not necessary for the use and the historic character of the building is affected.	NO
3. Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of original features, substantiated by physical or pictorial evidence rather than on conjectural designs of the availability of different architectural features from other buildings.	The applicant states that the window was deteriorated and warranted replacement. The new window does not match the original window in composition or visual quality.	NO
4. Distinctive stylistic features or examples of skilled craftsmanship which characterize older structure and often predate the mass production of building materials should be treated with sensitivity.	Not applicable to this application.	
5. Many changes to buildings and environments which have taken place in the course of time are evidence of the history of the building and the neighborhood. These changes may have developed significance in their own right, and this significance should be recognized and respected.	Not applicable to this application.	
6. All buildings should be recognized as	As discussed above, The building at 109	

<p>products of their own time. Alterations to create an appearance inconsistent with the actual character of the building should be discouraged.</p>	<p>Romero was constructed between 1902 and 1908 as a dwelling. The vertically oriented, more narrow, window openings are characteristic of the architectural style and time period. Altering the opening to create a larger showroom window is inconsistent with the character of the building.</p>	<p>NO</p>
<p>7. The design, and general appearance of any development or alteration in the Old Town Historic Zone should be limited to the range of design options possible and commonly chosen in Albuquerque prior to the opening of the Santa Fe Railroad in April 1880. The design of any alteration to currently existing structures erected between 1880 and 1912 should be limited to the range of design options possible and commonly chosen at the time of the building's construction.</p>	<p>As discussed above, The building at 109 Romero was constructed between 1902 and 1908 as a dwelling. The vertically oriented, more narrow, window openings are characteristic of the style and time period. Altering the opening to create a showroom window is inconsistent with the character of the building.</p>	<p>NO</p>
<p>8. Contemporary design for new buildings and additions to existing buildings or landscaping in the 300 foot transition zone surrounding the Old Town Historic Zone should not be discouraged if such design is compatible with the size, scale, color, material, and character of the neighborhood, buildings, or its environment.</p>	<p>Not applicable to this application.</p>	
<p>9. Wherever possible, new additions or alterations to buildings should be done in such a manner that if they were to be removed in the future, the essential form and integrity of the original building would be unimpaired.</p>	<p>The proposed alteration removed historic fabric. The overall form of the building is not affected; however, the architectural and historic integrity is impaired.</p>	<p>NO</p>
<p>10. Every effort should be made to safeguard the public welfare along vehicular and pedestrian traffic ways. Placement of walls, building projections, fences, planters, shrubs, signs, ramps, steps, etc. should be planned and positioned so that they do not present a potential hazard. Provisions for the handicapped should be planned so that the essential character of the property is not damaged.</p>	<p>Not applicable to this application.</p>	
<p>11. Any security devices that prevent major features of doors and windows such as ornament, panels, glass panes, and mullions from being seen are prohibited.</p>	<p>Not applicable to this application.</p>	
<p>12. Security devices . . .</p>	<p>Not applicable to this application.</p>	
<p>13. Staff approvals . . .</p>	<p>Not applicable to this application.</p>	

## LUC Ordinance

The table below provides an evaluation of the submittal as it relates to the LUC Ordinance and the specific development guidelines as analyzed above.

LUC Ordinance (§14-12) Guidelines for New Construction	Analysis	Does the application satisfy the ordinance criteria?
§14-12-8-B- (1) The change is consistent with the designation ordinance and specific development guidelines for the historic overlay zone	The change is not consistent with the specific development guidelines for the historic overlay zone as discussed above. The subject site is one of the few largely unaltered historic buildings in the overlay zone. Windows are a critical character-defining feature of historic buildings. The proposed alteration removed historic fabric and introduces a false appearance.	<b>NO</b>
§14-12-8 (B) (2) The architectural character, historical value, or archaeological value of the structure or site itself or of any historic zone in which it is located will not be significantly impaired or diminished	The architectural character and historical value of this historic building is diminished by the proposed alteration. The building at 109 Romero was constructed between 1902 and 1908 as a dwelling. The vertically oriented, more narrow, window openings are characteristic of the architectural style and time period. Altering the opening to create a showroom window is inconsistent with the architectural character of the building. The composition of the façade is unbalanced with the alteration of one window of two flanking the door.	<b>NO</b>
§14-12-8 (B) (3) The change qualified as a “certified rehabilitation: pursuant to the Tax Reform Act of 1976	Not applicable to this application.	
§14-12-8 (B) (4) The structure or site’s distinguished original qualities or character will not be altered. Original shall mean at the time of initial construction or developed over the course of history of the structure.	The structure’s original character includes the more narrow, vertically oriented original window openings. This character and original quality is altered in the proposal.	<b>NO</b>
§14-12-8 (B) (5) Deteriorated architectural features should be	The applicant states that the window was deteriorated and	

architectural features should be repaired rather than replaced, if possible. If replacement is necessary, the new material shall match the original as closely as possible in like material and design;	window was deteriorated and warranted replacement. The new window does not match the original window in design.	<b>NO</b>
§14-12-8 (B) (6) Additions to existing structure and new construction may be of contemporary design if such design is compatible with the historic zone in which it is to be located	Not applicable to this application.	
§14-12-8 (B) (7) Demolition. . .	Not applicable	

***Additional Considerations***

There are no recognized neighborhood associations in the area. The property was posted with a notice of the application.

***Conclusion***

Windows are some of the most important character-defining features of most historic structures. They give scale to buildings and provide visual interest to the composition of individual facades. Distinct window styles help define many building styles. The manner in which windows are combined or arranged on a building face may also be associated with a building style.

The vertically oriented windows openings original to 109 Romero are one of the building’s characteristic historic features and should be preserved. Enlarging the opening does not retain the historic character. The alteration, as proposed, leaves the façade of the building with an unbalanced composition, a change that further diminishes the architectural and historic character.

In the letter of justification for the request submitted by the applicant, he compares the window at 109 Romero with windows in adjacent buildings, noting that adjacent building have wider storefront windows. However, the properties are not comparable.

As documented in the Cultural Properties Register nomination, the building at 121 Romero was constructed as a store. Wider window openings adjacent to the entry door, as noted in the document would be consistent with that use.

The building at 105-107 Romero is not a contributing property to the Old Albuquerque Historic District, in was constructed sometime after 1942 (the nomination estimates the 1950’s). It may very well be that the storefront windows at 105-107 were original to the period of construction.

Prior to the alteration, the building at 109 Romero appeared authentic and complete—one of a few remaining true historic buildings in the Old Town Overlay Zone. The original dimensions of the window openings should be maintained as historic features. Altering them sacrifices historic authenticity, an increasingly rare attribute in Old Town.

***FINDINGS for a request for a Certificate of Appropriateness for alteration - Case # 09LUCC-50041 / Project # 1007716 (October 14, 2009)***

1. This application is a request for a Certificate of Appropriateness for alteration at 109 Romero, described as Tract 164, MRGCD Map 38, in the Old Town Historic Overlay Zone, and zoned H-1.
2. The subject site is a Contributing property in the Old Albuquerque Historic District.
3. The proposal is to enlarge the original window opening to accommodate a wider storefront window.
4. In August of 2008, the existing window was removed, and the opening was made larger.
5. Section 14-16-2-25(D)(1) of the *Comprehensive Zoning Code* states “*Any construction, modification, addition, alteration, moving or destruction which would affect the exterior appearance of any structure or place in the H-1 zone requires a Certificate of Appropriateness which must be approved by the Landmarks and Urban Conservation Commission.*”
6. The alteration was implemented without a Certificate of Appropriateness. A Zoning Enforcement stop work order was issued.
7. The building at 109 Romero is one component of a group of buildings assembled, over time, in a linear pattern along Romero St. between South Plaza and Old Town Road.
8. 109 Romero is a New Mexico Vernacular style building, built as a dwelling, circa 1908. The building retains the characteristic architectural features of the style and period of construction.
9. The adjacent building at 105-107 Romero was constructed circa 1950’s and is not a Contributing property in the Old Albuquerque Historic District. Window openings on the front façade of this building are consistent with the period of construction and may be original to the building.
10. The adjacent building at 121 Romero was constructed circa 1890’s as a commercial building. Two large window openings flank the ten-foot tall main entry door, a feature consistent with its use as a general store.

11. The proposal to enlarge the window opening on the front façade of the subject building is not consistent with the specific development guidelines for the Old Town Historic Overlay Zone numbers 1, 2, 3, 6, 7, and 9. The proposed alteration destroys distinguishing qualities and architectural character of the property and its environment as analyzed in the staff report.
12. The LUC Ordinance Section 14-12(8)(B)(2) states that a Certificate of Appropriateness shall be approved if “The architectural character, historical value, or archaeological value of the structure or site itself or of any historic zone or urban conservation overlay zone in which it is located will not be significantly impaired or diminished”.
13. This request does not comply with LUCC Ordinance sections 14-12-8-(B)(1), (B)(2), (B)(4) and (B)(5) as analyzed in the staff report. The proposal to enlarge the window opening is not consistent with the specific development guidelines for the overlay zone, it diminished the architectural character and historical value of the historic building, and it alters the structure’s and site’s distinguished original qualities or character and does not match the original feature in design or composition.
14. The *Albuquerque/Bernalillo County Comprehensive Plan* contains goals and policies related to Environmental Protections and Heritage Conservation. Section 11.C.5 Historic Resources goal is to protect reuse or enhance significant historic districts and buildings.
15. Section 11.C.9 Community Identity and Urban Design goal is “to preserve and enhance the natural and built characteristics, social, cultural and historical features that identify Albuquerque and Bernalillo County sub-areas as distinct communities and collections of neighborhoods.” Policy b states “In each Community Area, strategic planning, neighborhood planning, development and redevelopment shall be evaluated in light of its relationship to and effect upon (3) Local history, specifically architectural styles and traditions and current and historic significance to Albuquerque.”
16. The proposed alteration does not protect the historic resource. The vertically oriented windows openings original to 109 Romero are one of the building’s characteristic historic features. Enlarging the opening diminishes the historic character of the resource and of the Old Albuquerque Historic District. The proposed alteration does not support the Community Identity and Urban Design goal.
17. The proposed alteration does not support the Historic Resources goal as described in Finding 16 above.

**RECOMMENDATION - Case No. 09LUCC-50041 / Project # 1007716**

**DENIAL of Case no.09LUCC-50041 / Project # 1007716**, an application for a Certificate of Appropriateness for alteration located at 109 Romero NW. This property is more specifically described as Tract 164, a property in the Old Town Historic Overlay Zone, zoned H-1, based on the above 16 Findings.

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**Maryellen Hennessy, Senior Planner,  
Current Planning Division**

Attachments

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## **CITY OF ALBUQUERQUE AGENCY COMMENTS**

### **ZONING CODE SERVICES DIVISION**

NO COMMENT

### **BUILDING & SAFETY SERVICES DIVISION**

BUILDING PERMIT REQUIRED.

### **HISTORIC PRESERVATION/ADVANCED PLANNING**

NO RESPONSE

### **TRANSPORTATION PLANNING**

**PNM**

**ENVIRONMENTAL HEALTH DEPARTMENT**

**SOLID WASTE MANAGEMENT DEPARTMENT**

**FIRE DEPARTMENT/Planning**

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### **COMMENTS FROM OTHER AGENCIES, WHEN APPLICABLE:**

**TRANSIT DEPARTMENT**

**POLICE DEPARTMENT**

**PARKS AND GENERAL SERVICES**

**OPEN SPACE DIVISION**

**BERNALILLO COUNTY**

**ALBUQUERQUE FLOOD CONTROL AUTHORITY**

**ALBUQUERQUE PUBLIC SCHOOLS**

**MIDDLE RIO GRANDE COUNCIL OF GOVERNMENTS**